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RECENT CRITICISM UPON MOSES AND THE
PENTATEUCHAL NARRATIVES OF THE DE-
CALOGUE.¹

I.

THE negative portion of the Pentateuchal criticism of the last half century has established the fact that Moses bore little, if any, share in the compilation of the five books which commonly bear his name. It was inevitable that such an absolute reversal of the traditional view should also carry with it a corresponding change of attitude with regard to the entire teaching and religious position of the ancient Hebrew lawgiver. The correctness of this last appellation may itself seem doubtful, when some criticism demurs to finding any relic whatever of Mosaic legislation in the Pentateuchal codes. It becomes of interest to trace, if we can, the lineaments of that Moses, whom criticism would substitute for the Moses of tradition.

The measure of difference between Ewald and Wellhausen shows us clearly how the conception of the Mosaic religion tends to contract in dignity and range as the various elements of the Pentateuch are removed further and further from the Mosaic age. With the book of Deuteronomy the product of the seventh century, and the priestly legislation the outcome of the sixth and fifth, the legislative (as distinct from the judicial) activity of Moses becomes narrowed to a minimum. And although there are left over the two "prophetical" narrators who (together with fragments of early legislation embodied mainly in the Decalogue and the Book of the Covenant) tell us something of

¹ The first part of this paper was read at a meeting of the Taylerian Society at Oxford on November 20th, 1890.

the life and work of Moses, relentless criticism has proved that their narratives were written many centuries after his death. In brief, the religion of Moses has become purely a matter of inference; we can no longer assume the Mosaic authorship of any statements or injunctions that are put into his mouth.

What are the materials for the inference? They are, in the first place, the prophetic writings of the eighth century; in the second, those portions of the Hexateuch and the books of Judges, Samuel and Kings, which are anterior to the Prophets. It is often a matter of delicacy and difficulty to separate off these earlier sections of the Hexateuch and the Historical Books from those which may be contemporaneous with, or subsequent to, the Prophets of the eighth century. That the earlier documents have passed through frequent recensions and revisions is undoubted; it is the extent of these editorial operations which alone remains uncertain. But one fact is clear: the oldest portions express the crudest religion. Or, to put the same fact less one-sidedly, from portions which no critic would deny to be *among* the oldest, an immature phase of religious thought and practice is to be elicited in marked contrast to the religion of the prophets.

The question therefore is: What is the relation of the higher and lower religions to each other, and of both to the religion of Moses?

Before passing in review the answers of three celebrated theologians, it is perhaps advisable to recall to mind in merest outline the nature of the difference between the religion of the prophets and that contrasted religion which can be pieced together from the earliest documents of the Hexateuch and the Historical Books.

There are three salient features in the religious doctrine of the prophets.

1. Their religion is practically monotheistic. Without entering into the vexed question of the first appearance of *theoretic* monotheism in the religious history of Israel, it is

not denied, even by those who emphasize the view "that the absolute non-existence of 'the other gods' is not expressly taught before" the seventh century, that the doctrine of the earlier prophets constitutes a "monotheism *de facto*."¹ The heathen gods have not only no power or authority within Israel, but they have no power or authority beyond its borders. To Amos, Yahveh is the creator of the world and its omnipotent ruler. He punishes Moab as well as Israel. He brought up the Philistines from Caphtor and the Syrians from Kir, as well as the Israelites from Egypt. To Isaiah the Assyrian monarch is but the rod of Yahveh's anger; the idols are things of nought.

2. The prophetic religion is an *ethical* monotheism. Yahveh's action is based upon ethical motives, and his character contains no trace of an unethical residuum. He is utterly removed from the category of nature-gods. Israel is his chosen people, but for that very reason must suffer defeat and even exile because of its sins. The partial favour and the irrational wrath of a nature-god have given way to the conception of an ideal personality, whose action is governed by the qualities of righteousness and mercy, combined into a unity that is self-consistent and unalterable.

3. This unique God is to be served, according to the unwavering doctrine of the prophets, on the negative side by a complete renunciation of all idolatrous and superstitious practices; upon the positive side by the practice of social morality. Outward forms are idle; sacrifices were never specifically ordered by God. His will is made known by his priests and by his prophets, and this higher knowledge is acquired either traditionally or by the direct revelation of Yahveh. It is not to be gained by any magical rites. No material representation of Yahveh is to be tolerated.

The passages by which these headings of the pro-

¹ Kuenen, Hibbert Lectures, pp. 317, 319.

phetical religion can be substantiated are neither few nor doubtful. There can be no hesitation in asserting that the eighth century prophets taught a religion of this kind. Amos, Hosea, Isaiah and Micah have individual differences, some of which are by no means wanting in significance and value, but in its main outlines the teaching of one represents the teaching of all.

To these three features of the prophetic religion, passages taken from the oldest sections of the Historical Books offer significant contrast.

Though Yahveh may have been the only God whom David thought it right to worship, he did not conceive the range of that God's influence as extending beyond Palestine. To be driven from abiding in the inheritance of Yahveh is tantamount to the enforced worship of "other gods" (1 Sam. xxvi. 19). Jephthah in a famous passage (Judges xi. 24) closely assimilates Yahveh with Chemosh. If Stade and Wellhausen interpret rightly, an ancient chronicler relates how the power of a heathen deity in his own land was once experienced by an Israelite army to its great discomfiture (2 Kings iii. 27). While to the prophets the character of God is purely moral, there are considerable traces of the nature-god in the preprophetic period; God's wrath bursts forth upon mysterious or immaterial provocations, and he takes part in a purely natural (*i.e.*, non-ethical) manner in the struggles of Israel with its enemies (1 Sam. vi. 19; 2 Sam. vi. 7; xxiv. 1; Judges v. 11; vii. 20; 1 Sam. xviii. 17; xxv. 28; cf. Numbers xxi. 14). While the God of the prophets is served solely by the practice of morality and the abstention from idolatrous and heathen rites, in the preprophetic narratives of Judges, Samuel and Kings, the very leaders of the people seem to act upon a strangely different principle. To them sacrifice, sometimes even human sacrifice, may appease God's wrath. He is worshipped without hesitation under the symbol of a bull, perhaps even, though that is doubtful, in human shape. The pious David does

not object to Teraphim, household divinities of uncertain origin. Yahveh's will was made known by the superstitious method of casting a lot, and he himself was closely identified with a mysterious ark which, when carried into battle, was thought to indicate the divine presence among the army of Israel.

If the religion of the tenth and ninth centuries included elements such as these, must we not assume a still lower conception of Yahveh and his religion in the Mosaic age? The aid of Canaanite corruption—the traditional explanation of the contrast that has just been pointed out—must not be used too far. We cannot assume offhand that the religion of Moses and Joshua was in all essential points identical with the religion of the prophets, and that the intervening ages defiled this purer and spiritual teaching with Canaanite pollutions of polytheism and superstition. If the leaders in Israel upon the first settlement in Palestine—to say nothing of the people at large—had really “served the Lord,” according to the statement of the redactor of Judges, in anything like the prophetic sense, the religion of David would scarcely have presented so marked a contrast to the religion of Isaiah. We should at least expect that the line of prophets to whom Amos alludes would be confirmed by history and reach back to the earliest times. But underneath the later recensions of the historical books, we can clearly trace a spiritual development in the annals of prophecy. There is no authentic evidence of any prophet before Samuel. And in the oldest story about Samuel he is depicted more as a soothsayer than as a prophet; Saul consults him upon the loss of his asses, and is prepared to reward him for his services with the fourth part of a shekel of silver. In this narrative Samuel does not by any means identify himself with the prophets, and when they first appear upon the scene, we can hardly imagine that a troop of semi-Bacchantic enthusiasts are the spiritual progenitors of Amos and Hosea (1 Samuel x. 5-13; xviii. 10; xix. 20-24). Gad

and Nathan were clearly men of a different stamp, and both of them are represented as reproving David during the full power of his monarchy in the true spirit of the eighth century prophets. But their close connection with the court, which is occasionally indicated, makes us doubt whether the independent fearlessness and moral grandeur of their speech can actually have reached so high a level. (Compare 2 Sam. xxiv. 11, where Gad is called David's seer; 1 Kings i. 11-27, Nathan and Bathsheba.) Even Elijah is a man of a less spiritual type than Isaiah; and Elisha, in more than one instance, falls back to the earliest stage of prophetic development (2 Kings iii. 15; xiii. 14-19).

In direct antithesis to the theory of corruption stands the view that the ethical monotheism of the prophets is almost wholly their own creation. In that case the religious teaching of Moses, though possibly of great historical importance and an advance upon the religion of his contemporaries, would nevertheless have not risen to, but rather have fallen below, the level of that preprophetic religion which is to be picked out of the Historical Books. There will have been a gradual development from the Mosaic to the prophetic era, and Moses will have stood upon the ladder's lowest rung, Amos upon its highest. Yet the texture, so to speak, of the prophetic rung would be materially different from all that were below it.

But the objections to this hypothesis are neither few nor slight.

The eighth century prophets never put forward what they have to say as a hitherto unheard of novelty. They appear to assume that what they preach is the legitimate religion of Israel, while the popular religion is an aberration and a falling away. The beginnings of nation and religion are alike assigned to the exodus from Egypt. Amos seems to speak of a series of prophetic teachers in the oldest times: "I brought you up," he makes God say, "from the land of Egypt, and led you forty years through the wilderness to

possess the land of the Amorite. And I raised up of your sons for prophets, and of your young men for Nazirites. Is it not even thus, O ye children of Israel? But ye gave the Nazirites wine to drink, and commanded the prophets, saying, Prophecy not." "I am Yahveh, thy God"—so runs the divine message in Hosea—"from the land of Egypt, and thou knowest no God but me." And elsewhere, Hosea refers to Moses directly, "By a prophet Yahveh brought Israel out of Egypt, and by a prophet he was redeemed" (Amos ii. 10-12; Hosea xiii. 4; xii. 14). Isaiah alludes to the good old times when righteousness was wont to lodge in Jerusalem, and its counsellors were men of justice (i. 21, 26).¹ Again, Hosea speaks of the priests as having forgotten God's law, and of the people as having broken his covenant (Hosea iv. 6; viii. 1, 12, on which latter passage, see Graetz, *Geschichte der Juden*, ii. 1, page 469, for a good emendation of the text, and Kuenen, *Hexateuch*, section 10, n. 4, E. T., page 178). Amos prophesies the punishment of Judah, "because they have despised Yahveh's law, and have not kept his commandments." Jeremiah is in accordance with Hosea in his view of Israel's past history. The wilderness days, after the Exodus, are remembered by God with affectionate regret. "Israel was holiness unto the Lord" (Jer. ii. 2, 3).

It is true that it is possible to discount the value of this evidence. The prophetic idealisation of the past may be connected with the fact that the prosperity of the earlier kingdom could in their eyes have been only due to the greater purity of the national faith. Kuenen has brought forward this point of view very clearly in a notable passage in his *Religion of Israel*, where he has also shown how, in an age when the idea of development was unknown, "the new ideas were immediately regarded as old ones revived" (*Religion of Israel*, vol. i., p. 370). Thus while the fact that the prophets of the eighth century

¹ Compare Dillmann's Commentary upon these passages.

regard themselves not as originators, but as links in a chain extending back to the early days of Israel's settlement in Canaan—as the exponents, not of a new creed, but of the old and “orthodox” religion of Israel—must be allowed to carry with it a certain weight and significance, it is not strong enough to withstand a greater mass of evidence, substantiating the contrary hypothesis.

We are still confronted with the fact that the further back we go, the less spiritual and the less ethical the religion of Israel becomes. Shall we then affirm that up to the prophetic period its spiritual and ethical elements were not superior to those of the neighbouring heathen creeds? But it is not merely the sudden appearance and splendour of the prophets which upon this hypothesis becomes difficult of adequate solution. We find it hard to realise how the religion of the national God was preserved at all. If, when the Israelites entered Canaan, the Yahveh whom they worshipped was not superior to the gods of the Canaanites, one would have imagined that Yahveh would either have disappeared altogether, or that the monotheistic impulse would have entirely broken down. For the Canaanites were superior to the Israelites in external civilisation. The former were agriculturists and dwellers in cities; the new comers were nomads and shepherds. We know that the Israelites adopted a good many of the Canaanite rites; we know also that there went on a considerable process of assimilation between the two kindred races. Why did not the greater absorb the less? Why did not Yahveh succumb to Baal?

Such, in rude outline, are the difficulties which the critical theologians have had to face, and, if possible, to explain. What we may call the external and the internal evidence do not completely tally with each other. Is there, then, any theory in regard to the beginnings of the national faith, in other words, to the teaching of Moses, which will account at once for the maintenance of the Yahvistic religion in Canaan and for the origin of the

prophets on the one hand, for the phenomena of the "pre-prophetic religion" upon the other? Let us consider some solutions of the problem that have been suggested in the last twenty years by three of the greatest Old Testament critics now living—Kuenen, Wellhausen, and Stade. And although Professor Kuenen has largely modified his views of the early religious history of Israel since he published the *Religion of Israel*, it will be convenient to place the position then taken up by him in the forefront of our survey.

He begins with the Israelites in Goshen. They were then polytheists; that is to say, though they worshipped a common god, known as El Shaddai, and to a few of them as Yahveh, it was not regarded as an offence to this inter-tribal deity to adore other gods besides himself. Moses' nature was religious, and he "received a deep impression of the power and majesty of El Shaddai, that pure and awe-inspiring god." He feels convinced that if this god would help his people in the struggle with the Egyptians, the victory cannot be doubtful. When the event justified his assurance, his faith becomes doubly strong. As leader of the people, he proclaims El Shaddai under the comparatively unknown name of Yahveh; he chooses him for the sole object of his worship, assured that "the mighty tutelary God will tolerate no other gods beside himself," and he elevates his choice into a law for all Israel.

This El Shaddai, whom Moses revealed as Yahveh, was originally akin to certain heathen deities, more especially to Milkam of the Ammonites and to Milk of the Phœnicians. He was "the severe God of light, the bearer of the consuming fire of the sun." This connection with natural phenomena was also accepted by Moses. "To him light and fire had not yet become symbols; Yahveh's very essence seemed to him to manifest itself in them." Yahveh, nevertheless, was not merely a severe deity of light and fire; he was also a God who required a moral service from his worshippers.

"The great merit of Moses lies in the fact that he connected the religious idea with the moral life. Yahveh comes before his people with moral demands and commandments. . . . Yahveh is distinguished from the rest of the gods in this, that he will be served, not merely by sacrifices and feasts, but also, nay, in the first place, by the observance of the moral commandments which form the chief contents of the ten words." (Vol. I., 282-292.)

The deduction is inevitable: Yahveh, be his physical essence what it may, is essentially a moral God. In 1870 Kuenen accepted the Mosaic origin of the Ten Words in their original form, reckoning, with the modern Jews, the opening exordium as the first word, and omitting, as a later interpolation, the whole reference to image worship in the second. At the same time, he regarded it as not improbable that the ark of Yahveh was a kind of Mosaic substitute for an image, and that images of Yahveh did not fully harmonise with Moses' conception of Yahveh's nature and character (p. 289).

If the Decalogue be Mosaic, and if the religion of Moses had already reached an ethical level, how are we to account for the religious phenomena of the books of Judges and Samuel, the religious conceptions of a Jephthah or a David?

In the *Religion of Israel* this is effected by the simple and probable explanation that Moses could only impart his higher conception of Yahveh's nature and of his relation to Israel to a few chosen spirits; the popular religion remained in essentials the same as before. But under Canaanite influence, and after the borrowing of many an idolatrous idea and rite, this higher knowledge seems apparently to vanish altogether, or, at least, to be practically dormant. There existed, indeed, a vigorous Yahvistic party, who were also enthusiasts for the nomadic life. They objected to amalgamation with the Canaanites, but at least as much on political as on religious grounds. "Spiritual or universalistic notions we cannot ascribe to them" (pp. 312-319, vol. i.). Such are

the Nazirites at the close of the period of the Judges. Here the difficulty begins. One does not clearly understand why, if these men had *no* spiritual notions, they should have been zealous for the worship of Yahveh.¹ If Yahveh was not already at least semi-moralised in character, it is hard to believe that any amount of conflict between his votaries and those of Baal would have infused spiritual ideas into the conception of him. Nor would the troublous times of the ninth century have produced them, when, according to our historian, the better minds of the people began to find an explanation of the national adversity in the transgression of the Mosaic command, "Thou shalt have no other gods before my face." And Kuenen himself is quite aware of the difficulty of evolving the moral from the non-moral. "From the very beginning," he says, "Yahveh's character was conceived and represented differently from that of the nature-God." In other words, though Yahveh "was originally akin to Molech and Astarte," "spiritual notions" were from the very beginning connected with his character and worship (p. 368).

Is there not here a lack of intelligible sequence in the order of events? The point of difference "between Yahveh and the austere nature-gods lay in his moral character," and the perception or creation of this difference is regarded as the distinctive work of Moses. But the monolatry and moral elements of the Mosaic religion are not specified as the true cause of the opposition to the Canaanites. Even those who "like their forefathers wished to remain polytheists could also set themselves against the adoption of the foreign and Canaanite elements" (vol. i., p. 312). And the impression left after reading Kuenen's account of the origin of "the purer conception of Yahveh's being" in

¹ Yet what a semi-barbaric religion that seems to have been, when Samuel, its highest representative at the time, could hew Agag, the Amalekite king, in pieces before the face of Yahveh! But the complexity of the human mind may possibly account sufficiently for this difficulty.

the ninth century, of the issue of the conflict between Yahveh and the Tyrian Baal, and of the effect of national adversity upon the religious feelings of the higher minds, is that the teaching of the prophets was in no true sense a revival, but wholly a new creation (p. 371). There does not seem to be either room or necessity for the prior work of Moses; no room for it, because the period from Deborah to Samuel shows no traces of the existence of a religion in which there was a close and clear connection between the religious idea and the moral life; and no necessity for it, because the conflict with Baal and the subsequent calamities in the Syrian wars were sufficient motives to lay the foundation for the ethical monotheism of the prophets.

In the Hibbert Lectures (1882) a narrower estimate of Moses and his work is clearly implied, although, in the sketch of the origin of prophetic Yahvism, Moses is not mentioned.¹ But the difficulty of accounting in one continuous and consistent narrative for the lower elements of the pre-prophetic religion and the sudden purity and excellence of the prophetic teaching is again apparent in a curious diversity of language between the second and third lecture. In the second lecture Kuenen essays to prove, from the judicial and pedagogic functions of the priesthood and from the trustworthy evidence of Hosea, that Yahveh, even before the prophets of the eighth century, was not identical in nature with the gods of the "nations around." Hosea assumes that the acknowledged business of the priest, as the interpreter of Yahveh, "is to be the bearer and appointed upholder of *right*." Although the contemporary priests lamentably "failed to fulfil so fair a task," yet—

¹ In 1876 Kuenen could still "with his whole heart" adopt "the assertion that Mosaism, *i.e.*, the demand that Israel should worship a moral God, and him alone, carried in itself from the very first the *germs* of monotheism, so that (ethical) monotheism was at once its *τέλος* and its motive power." ("Yahveh and the other gods." *Theological Review*, July, 1876.)

The ideal of his calling, which Hosea holds up to him in reproof, still remains; and with it remains *the ethical character of Yahveh* to which it bears witness. I am not speaking, as yet, of the Yahveh whose word the prophets proclaimed, but of the God of Israel whom the people acknowledged and served. For it was to him that those priests belonged who were consulted by the masses, and who directed their sacrifices and feasts. Hosea unites them, and we must not separate them. Now this is enough to show that, however great the outward resemblance may have been between this Yahveh of the people and the gods who were worshipped at his side or by Israel's neighbours, yet he was not one of them. Unless the prophet completely lost sight of the reality when he uttered his denunciation, Yahveh is distinguished from the others, and towers above them as the God in whose name justice was administered, and of whom it could be said that he was not known where the laws of honour and of good faith were violated. We must, therefore, enrich our conception of the *popular Israelitish belief* by this trait.¹ All the rest remains, but we must add this one point to it—*the ethical character of Yahveh*. And to this one trait belongs the future (p. 90).

Thus in this passage an ethical character is asserted even for the pre-prophetic Yahveh. But in the third lecture this ethical conception of Yahveh's being is claimed as the creation of the canonical (*i.e.*, eighth century) prophets. A sketch is given (page 114) of the popular view of the relation of Israel to Yahveh, which one might imagine, from the evidence of the Moabite stone, would accurately describe King Mesa's view of the relation of Chemosh to Moab. This view, however,

is changed as soon as Yahveh has acquired, as he has in the minds of the canonical prophets, an ethical *character*. I use this expression designedly. Moral *attributes* are ascribed to him by the people also . . . But these attributes were only some amongst many. They were not regarded as dominating all else.

As Professor Kuenen in this second passage refers also to the earlier one, it is clear that he is alluding to the contrast, admitted upon all sides, between the grosser popular conception of the deity with that of the prophets. Yet whereas Yahveh's ethical character is here regarded

¹ The italics are mine.

as the creation of the eighth century, in the former passage such a conception is admitted to have been the possession of the higher minds in the pre-prophetic age.

The decisive originality of the prophetic teaching is strongly maintained, if only by implication, in the new edition of the *Onderzoek*. For the dates of the oldest Pentateuchal narratives are tested by the prophets, and where any passage shows agreement with the prophetic religion, it is supposed to bear the influence of their school, that is, to be at least not earlier than the eighth century. Thus, with respect to the ten words, now no longer Mosaic as in the *Religion of Israel*, he writes (*Hexateuch E. T.*, page 244):—

If we are to regard the writer who summarised Yahveh's commands in the Decalogue as an original and creative author, we must place him in the eighth century; but if we are to suppose that he merely resumed what the prophets of Yahveh had already uttered, we must make him a contemporary of Manasseh. His ethical conception of the service of Yahveh finds its closest analogue in Micah vi.-vii. 6, which is in all probability a product of this latter period.¹

Yahveh as the God of right, so taught and proven by the judicial functions of the priesthood, would appear to be the ethical residuum which we may ascribe to the national God of the pre-prophetic period. Thus Professor Kuenen's position approaches Wellhausen's, with which we have now to deal; we cannot, however, clearly tell how far he would relegate these "ethical attributes" of Yahveh to the specific teaching of Moses, and still combine with them the doctrine of monolatry. It is earnestly to be hoped that a fresh statement of his views upon the Mosaic period may see the light before long.

At this stage let us once more call to mind the two main elements in the Prophetic teaching. The first is that Yahveh tolerates no other God beside him; the second is

¹ For a criticism of this method, as applied to the ten words, see Wicksteed, in the *Christian Reformer* for 1887, p. 307, *seq.*

that he is a moral God, and demands a moral service. Is there any causal connection between these two principles? Or is the one capable of existing without the other? Is it likely that men would have come to believe that within his own land no other God must be worshipped, unless they believed also that this jealous deity was different in character from the other foreign deities, to whom even an inferior position must not be assigned? Or again, is it not because the God is conceived as different in character, that he is thought to claim an exclusive adoration? The problem is complicated by the introduction of evidence from other nations. If it can be proved that monolatry prevailed in other nations besides Israel, nations of whom we are unaware that they showed any tendency towards the formation of an "ethical monotheism," this phenomenon would show that such a monolatry by no means necessarily implies as its concomitant an exceptionally ethical conception of deity; or again, that it may represent a mere tribal custom and not a principle consciously adopted and of set purpose maintained. That these deductions are applicable to the earlier monolatry of Israel appears to be the view of Wellhausen, and his theories are all the more worthy of the utmost attention, because Kuenen has pointed to Wellhausen's *Abriss der Geschichte Israels und Judas*, as an excellent illustration of the way in which it is possible to give a connected and consistent account, without the help of any *deus ex machina*, of the growth of that ethical monotheism which differentiates the developed religion of Israel from the religion of any other nation in the world.¹

The insufficiency of Wellhausen's explanation, to my own thinking, may be partly due to its compression. The Prolegomena does not deal directly with the origin and growth of the ethico-monotheistic idea, although there are

¹ *Theol. Tijds.*, 1885, in the essay *De critiek van den Hexateuch en de Geschiedenis van Israël's Godsdienst*, pp. 491-530.

numerous important hints and suggestions upon the subject (cf. the chapters, "The narrative of the Hexateuch," and "The Oral and the Written Torah.") The *Abriss*, unparalleled as it is in brilliancy, incisiveness and dramatic power, is almost bound to leave here and there an unsatisfactory impression upon the mind of a reader who has not already worked out for himself very similar results, when it is remembered that in 102 pages is compressed a sketch of Israel's outward and inward history from the beginning till the days of Ezra.

Moses, according to Wellhausen, was the author of Israel's political and religious unity; Yahveh was originally a family or tribal God, either of the family to which Moses belonged or of the tribe of Joseph.¹ Because Moses acted in the name of Yahveh, and attributed his own successful actions and the help rendered to Israel by nature or by accident as due to Yahveh's intervention, the united tribes adopted the God of Moses for their common deity. Yahveh became the God of Israel, Israel the people of Yahveh. But we are not told that the exclusive worship of Yahveh was the principle and turning point of the Mosaic religion. "Moses gave no new idea of God to his people" (*History of Israel*, p. 440). Indeed the monolatry which became characteristic of Israel was characteristic also of Israel's own belongings. For "Moab, Ammon and Edom, Israel's nearest kinsfolk and neighbours, were monotheists in precisely the same sense in which Israel itself was" (*History of Israel*, p. 440). What then, we ask, was the *specific* element in the religion of Moses? It consisted in this, that Moses was "the originator of the Torah in Israel." Moses exercised

¹ *History of Israel*, p. 433, n. 1. This note is not reprinted in the German edition of the *Abriss*, but though that edition frequently modifies the text of the *Encyc. Brit.*, reprinted in the *History of Israel*, it does not follow that any passage of the English omitted in the German contains views no longer maintained by the author, *e.g.*, the *excursus* on the Decalogue is omitted in the German edition, but is quoted by Wellhausen himself in the *Nachtrage* to the new edition of the *Composition des Hexateuchs*, etc. (1889).

judicial functions, and he connected these with the sanctuary and with Yahveh, who thus became not merely the God of Israel, but also the God of law and of justice (*History of Israel*, p. 474; and *Abriss*, p. 10). This office of Moses was continued by the priests, who were spiritually his heirs. Their authority rested in the last resort upon Yahveh, who was the author of the generally approved sense of right, and upon the spontaneous recognition of it among the people (*History of Israel*, pp. 436; *Abriss*, pp. 11, 12; cf. *Prolegomena*, p. 396). Justice and law were fundamental elements in the new religion. But we must not, as it would seem, assess this moral side of the religion at too high a rate, nor regard it, such as it was, as the exclusive possession of Israel. For, on the one hand (*History of Israel*, p. 439), "the entire series of religious personalities throughout the period of the Judges and the Kings—from Deborah, who praised Jael's treacherous act of murder, to David, who treated his prisoners of war with the utmost cruelty—make it very difficult to believe that the religion of Israel was from the outset one of a specifically moral character. The true spirit of the old religion may be gathered much more truly from Judges v., than from Exodus xx." (i.e., from the Song of Deborah than from the Decalogue). On the other hand, "The religious starting point of the history of Israel was remarkable, not for its novelty, but for its normal character. In all ancient peoples there exists a relation between God and the affairs of the nation, and religion is employed as a motive for law and customary morality (*Recht und Sitte*); in none, however, did the relation exist, or was the motive employed, in such purity and power as in Israel."¹

Apparently, therefore, it is far more accurate to recognise in this application of religion as a motive for morals and for law, the characteristic feature of the Mosaic religion

¹ I fancy that this sentence has been wrongly translated in the *History of Israel*, p. 437. As it stands in the *Abriss*, p. 13, it is more accurately rendered as above.

than in the principle, "Thou shalt have no other gods before my face."

Now, what influences were there to develop the religion of Amos, and of the author of Exodus xx., out of the religion of Deborah and of David? It can hardly have been due to the religious influence of the Canaanites; that induced the apostasy to Baal, through which the two deities, at first co-ordinated and worshipped together, were afterwards identified, a syncretism arising between Baal and Yahveh (*History of Israel*, p. 447; *Abriss*, p. 18). And yet we are told that "had the Israelites remained in the wilderness and in barbarism, the historical development they subsequently reached would hardly have been possible; their career would have been like that of Amalek, or at best, like those of Edom, Moab and Ammon." The Philistine oppression led, it is true, "in the first instance to a widespread exaltation of religious feeling." The spirit of this enthusiasm passed over upon Israel as a whole; but "the new kindled zeal had for its object, not the abolition of Baal worship, but resistance to the enemies of Israel. Religion and patriotism were then identical" (*History of Israel*, p. 449; *Abriss*, p. 20). Accordingly the contents of religious belief in the pre-prophetic period are scarcely superior to what we might imagine them to be in Moab during the reign of Mesa; they are certainly inferior to the religious belief implied in many an old Babylonian hymn.¹

Nor is any indication given that any exceptional spirits, even before Elijah, had raised themselves above the level of the popular faith. The God of that faith was believed, it is true, to render retribution upon families and nations. He was a God who punished and rewarded. But so also was Chemosh. The relation between Israel and Yahveh was a natural one: it did not rest upon the conditions of an

¹ The amazing section *Gott, Welt und Leben im Alten Israel*, should be read in the revised German edition of the *Abriss*.

agreement, offered by Yahveh and accepted by Israel. The essence of the Godhead lay in his capacity to save. "Help in earthly matters was expected from Yahveh, not salvation in a Christian sense. The main point was that he should give rain and victory." It is precisely the antithesis of the prophetic God, of whom one can say, "Yahveh had unaccountable humours; he both made his face to shine and showed his anger, one knew not why. He created alike good and ill, he punished sin and incited to sin—Satan had robbed him as yet of no portion of his being" (*Abriss*, pp. 44-46). The student who is familiar with the oldest sections of the historical books will have no difficulty in substantiating these general *dicta* of Wellhausen's with illustrative quotations. But the question is whether they represent the highest level to which the religion had reached in every mind before the coming of Elijah. And we have to ask our brilliant critic, Was there nothing *more* than this in the religion of Moses? Was it this religion, and nothing *more and higher*, which enabled the Jews to absorb, and not to be absorbed by, the more elaborate Canaanite civilisation? And if this religion be in truth all, is not the teaching of Elijah and Amos a very remarkable jump upwards?

The estimate of Elijah is slightly lower in the *Abriss* than in the article in the Encyclopædia: but it is still significant enough. In both, Elijah's religion will not tolerate the service of any other god besides Yahveh: "to him there did not exist a variety of powers of equal justification and equally worthy of worship, but everywhere one principle of Holiness and one principle of Might only, which revealed itself not like Baal in the life of nature, but like Yahveh in the moral demands of the spirit" (*in den sittlichen Forderungen des Geistes. Abriss*, p. 33). Nothing can be better and more eloquent than the sketch of the religion of Amos and his successors, both in the Encyclopædia article and in the *Abriss* (they are not quite the same), but the main part of them consists in pointing out the startling contrast between

that religion and the popular faith. And this popular faith, according to Wellhausen, if I understand him rightly, exhausted the whole of Israel's spiritual possessions. There was not, and there had never been, any higher phase of religion outside it or beyond it. Elijah and Micaiah the son of Imlah, had been solitary exceptions,¹ who were neither imitated nor understood. "Amos was the founder and the purest expression of a new phase of prophecy" (*History of Israel*, p. 472; *Abriss*, p. 49). But in Wellhausen's sketch he is more than this. He is practically the founder of a new phase of religion, the antithesis in many respects of that religious phase which had preceded it. Is Baudissin so very wrong in urging that the historic development of ethical monotheism has not even yet been satisfactorily explained? I must confess that I am unable to agree with Kuenen's view that in Wellhausen's *Abriss* the thread of the historic development is never broken off. To my mind, between the pre-prophetic religion of Israel, as he conceives it, and the religious teaching of Amos there yawns a chasm, which all the charm and brilliancy of his narrative has not been able to bridge over or even permanently to conceal.

One of the latest, and, in many respects, one of the most interesting of Israel's historians, Bernhard Stade, though in critical and exegetical questions a close follower of Wellhausen, occupies, in his estimate of Moses, a peculiar and noteworthy position. No theologian of eminence goes further than Stade in his rejection of traditional views, or emphasises with more urgent insistence the measure of the difference between the pre-prophetic religion and the religion of the prophets. Thus, when Amos affirmed that the essential demand which Yahveh makes

¹ *History of Israel*, p. 461; *Abriss*, pp. 32-34. Is it an explanation of their appearance to say that "occasionally there arose among the Nebi'im a man in whom the spirit, which was cultivated within their circles, may be said to have risen to the explosive pitch"? For why should a non-moral spirit have exploded in ethical teaching? And we had not been told that there was *any* ethical element in these companies of religious enthusiasts.

upon his worshippers is a moral life, he laid down a principle "as yet unheard of in Israel" (*Geschichte*, I, p. 573). It is true that, even to the pre-prophetic Israel, Yahveh, as the god of the State, is the protector of "law and order," and the avenger of outraged custom. But in this conception there is nothing peculiar to Israel, for, as Prof. R. Smith points out, "law and custom are in every nation a part of religion, and have a sacred character." That wherein "the fundamental superiority of the Hebrew religion," according to Prof. R. Smith, consists, namely, "in the more absolute and self-consistent righteousness of the Divine Judges" would not apply to Stade's picture of the pre-prophetic Yahveh. He was not dissimilar in character from the heathen gods as described by Prof. R. Smith; we have merely to change the plural to the singular, and the quotation would sum up Stade's estimate of the earlier Yahveh. Yahveh is "the guardian of law, but something else at the same time; he is not wholly intent on righteousness, and righteousness is not the only path to his favour, which sometimes depends upon accidental partialities, or may be conciliated by acts of worship that have nothing to do with morality" (*Prophets of Israel*, p. 72). But Stade is almost as emphatic as any theologian of the traditional school, in accentuating the importance of Moses and his work. That work consisted in establishing the principle, that only Yahveh was Lord in Israel, and that only Yahveh must be worshipped by the Israelite. Stade's estimate of Moses must be taken in connection with his theory of Israel's pre-Mosaic religious condition. His contention is that Yahveh-worship, as introduced by Moses superseded not a polytheism of the usual Semitic type, but a far lower stage of religion, the cult of spirits and ancestors. Why Israel never entered the polytheistic stage can only be explained upon the assumption that when the adoration of Yahveh was adopted by Israel, Yahveh's character was conceived as essentially different from that of the polytheistic gods of Semitic heathenism. But this

difference was not ethical; it did not belong to the moral sphere at all; it consisted in the mere abstract principle that Yahveh is the sole God of Israel; and, consequently, that his worship wholly excludes the worship of other gods. This principle is the creation of Moses. For if it had not existed and been realised from the beginning, the polytheistic influences of Canaan would have brought about any other consequence rather than this. And since this principle is in violent contradiction to all that we find in other Semitic as well as in non-Semitic races, we can only assign it to the initiation of the Founder of Israel's religion himself.¹

It was in the principle of monolatry that the superiority of Israel's religion lay over the religion of the Canaanites, not in the higher morality of its national God. And as Stade maintains that the Mosaic monolatry was unique even among the Semites, he could clearly not subscribe to the dictum of Wellhausen, that Moab, Ammon and Edom, were "monotheists in precisely the same sense in which Israel itself was." The paragraph about Moab in the frequently modified reprint of the first 160 pages of Vol. I. illustrates his zeal to maintain for Israel alone the principle of monolatry.² It was originally stated that the Moabites had advanced to a kind of monotheism, and that they stood to their god Chemosh in the same relation as the old Israelite to Yahveh. The combined deity Ishtar Chemosh mentioned on Mesa's stone was regarded as only a modification of Chemosh himself. "The conjecture seems close at hand that Chemosh was regarded as an androgynous divinity." The Moabite deity, Baal of Peor, mentioned in Numbers xxv. 3, was identified with Chemosh, who must have been worshipped at Shittim

¹ *Geschichte*, Vol. I., p. 439.

² I owe the knowledge of this modified reprint of pp. 1-160, which though not indicated in any way by the author, amounts to a second edition of those particular sheets, to Kamphausen's review in the *Studien und Kritiken* for 1889. (The reprint has since been carried on to p. 304.)

under the name of Lord of Peor. For "all the accounts of the Old Testament agree that the Moabites worshipped one god only, namely, Chemosh." In the revised reprint this last sentence is omitted; the suggestion that the Lord of Peor was another god, different from Chemosh, is considered equally probable with their identification, and Ishtar Chemosh is explained to be the Astarte of Chemosh—an independent female divinity. "Thus Chemosh had by his side a female associate in the person of Astarte—a conception which runs directly counter to the fundamental principle of Israel's religion"¹ (*Geschichte*, pp. 113-114). Thus we see that the uniqueness of Israel's national religion is strongly maintained. But the *character* of Israel's one God is hardly different from the character of Chemosh. If he will tolerate no other deity but himself, one is inclined to ask what right has such a deity, as described by Stade, to so exalted a claim? One wonders how such a principle can have occurred to Moses, if the character of his God did not merit or suggest it. It is hard to see why the possession of this abstract principle should have been sufficient to enable the Israelites to resist the polytheistic influences with which they were surrounded in Canaan. Is there not cogency in Kamphausen's argument that the superiority of the Yahvistic religion must have consisted in the peculiar nature of Yahveh, and not in a mere dogmatic assertion of Semitic exclusiveness? We are driven back to the belief that there must be some causal connection between the jealous exclusiveness of Yahveh and his moral character. And once more, with a growing conviction of their substantial accuracy, we recall the words of Kuenen in the *Religion of Israel*: "The great merit of Moses lies in the fact that he connected the religious idea with the moral life."

¹ Cp., for this whole subject, Baethgen's *Beiträge zur semitischen Religions-geschichte*, and the reviews of his book by Kuenen in the *Theol. Tijdschrift*, 1888, and by Nöldeke in the *Zeitschrift der Deutsch-morgenländischen Gesellschaft*, XLII.

The eighth century prophets, no less than the traditions of the Pentateuch, alike regard the age of the Exodus as the beginning of Israel's religion and of its national life. Apart from any direct evidence, the very course of Israel's history, as it passes out of legend into authentic record, argues for peculiar, if not unique, qualities in the character of its religion from the very first settlements in Canaan. For had not Israel's God already then been superior to Baal, no amount of antagonism between them could have evolved the Yahveh of the prophets. But if at the entry into Canaan this superiority existed, we may legitimately trust legend and tradition so far as to assign its origin to the age of Moses and to the person of the Founder. Since "the apostasy to Baal," even according to Wellhausen (*History of Israel*, p. 447; *Abriss*, p. 18), "on the part of the first generation which had quitted the wilderness and adopted a settled agricultural life, is attested alike by historical and prophetic tradition," a partial corruption of the Mosaic teaching becomes not only possible, but certain. To the age of young enthusiasm, uniting the newly emancipated tribes together, there succeeded, we have every reason to believe, an age of borrowing and adaptation, attended with a temporary phase of religious and political disintegration. The attainments of the Mosaic era were not wholly forgotten or utterly destroyed, but they suffered some measure of eclipse and distortion before they began, towards the close of the Judges, to advance slowly to wider issues and a purer form. We are, indeed, scarcely entitled with Kittel, in his valuable and suggestive chapter on Moses and his religion (*Geschichte der Hebräer*, I., § 24), to attempt a picture of the Mosaic age and of the Founder's work upon the basis of the Pentateuch. For of the Book of the Covenant, even in a shortened form, the Mosaic origin is exceedingly improbable, while of the Decalogue it is, at least, exceedingly uncertain. But Kittel's argument (p. 220) against allowing the evidence of the pre-prophetic religion to throw the spiritual and moral elements in the religion of

Moses overboard altogether, is worthy of serious attention. "I cannot," he says,

accept the accuracy of that prevalent modern point of view in which the entire pre-prophetic period, thrown into one and regarded as a single whole, is contrasted with the period of the prophets. While it must unhesitatingly be acknowledged that Israel, in the ages of the Judges and of the earliest monarchy, adopted many elements of the Canaanite nature-religion, neither must the fact be ignored that those ages, when contrasted with the Mosaic era, show many symptoms of decline. If the popular faith and the institutions of the post-Mosaic age are made the standard of measurement for the so-called pre-prophetic period, and the Mosaic age itself is then represented on the same lines, its peculiar exaltation, and the original force and enthusiasm, undoubtedly present in it as in all great creative eras, are unjustifiably forgotten.

Is there any cogent necessity to except the Israelite religion, even in its earlier stages, from the law, so frequently exemplified in other religions, both of the East and of the West, that periods of imperfect absorption and partial decay follow upon epochs of creation and reform? Stade protests energetically against applying to the Old Testament religion a canon of Schleiermacher's that the peculiar essence (*Wesen*) of a religion is expressed most purely at its source. That, he says, is a false generalization from the single example of Christianity. No one, indeed, would now-a-days wish to assert that the religion of Moses equalled the religion of Amos in moral consistency and spiritual depth. But what our rough analysis of the latest criticism seems to prove is that every element in the religion of the eighth century prophets has its true root and origin in the creative teaching of the Founder.

The course of Israel's religious history between Moses and Amos would show, could we possess the whole of it, both advance and retrogression. If we confine our view to the person of Moses, the retrogression predominated, if we regard his age, the advance. Assuming, with Professor R. Smith (*Prophets of Israel*, p. 69), that there was always a remnant who silently, though imperfectly, carried forward

and handed down the true Mosaic tradition, we are confronted with the sayings and doings of Deborah, Jephthah, Samuel, Saul, David, and Jeroboam, when we assign to that tradition too spiritual and comprehensive an interpretation. But if, on the other hand, we limit the teaching of Moses to the bare principle, "No God but Yahveh," or to the pleading, "Yahveh is powerful to save and bless; therefore worship him alone," we can neither account sufficiently for the immense results of the Mosaic era nor for the evidence of the prophets. Between the two doctrines the truth must lie.

Kamphausen has, perhaps, summed up the position in which we must rest most accurately when he says "that history itself demands the postulate that Moses became the founder of Judaism by a permanent breach with the old nature-religions of heathenism, but that the proof of this postulate will never be capable of more than a partial realisation."

II.

IN the notes which are here appended to the foregoing paper, it is not proposed to discuss the arguments for and against the Mosaic authorship of the ten words. My purpose is merely to give a critical analysis of the Pentateuchal narratives, which constitute the framework of the Decalogue. The light which such an analysis may throw upon the complicated problem of its date will only be incidentally alluded to.

The familiar, traditional story of the Decalogue dates from Deuteronomy. The conception both in chapters i.-iv., and in v.-x. is one and the same.¹ Upon the basis of ten words

¹ The following pages are based upon, and to some extent assume a knowledge of, the following authorities:—Dillmann's *Commentary upon Exodus* (1880); Kuenen's *Hexateuch* (E. T., 1886) and essay in *Theologische Tijdschrift*, 1881, *Israel bij den Sinai*; Jülicher's Essay in *Jahrbücher für Protestantische Theologie*, 1882, "De Quellen von Exodus vii. 8—xxiv. 11"; Wellhausen's *Composition des Hexateuchs*, and *Nachträge* in the reprint of 1889; Kittel's *Geschichte der Hebräer*. (Part I., 1888.)

(our present Decalogue) God made a covenant with Israel at Horeb. Those ten Divine words and no more were heard by the whole people. They were written down by God upon two tables of stone, which were afterwards broken by Moses. They were then re-written by God upon fresh tables, hewn this time not by God but by Moses, and deposited in an ark made for the special purpose of receiving them. We have to notice that:

- (1.) The words were ten in number : עשרת דברים, iv. 13, x. 4.
- (2.) *These* ten words are the words contained in Exodus xx. 2-17, and it is *these* words which are written upon the tables, v. 19.
- (3.) These ten words constitute the covenant made at Horeb, iv. 13, v. 2, ix. 9, 11, 15, לוחת הברית.
- (4.) The two tables containing these words are deposited in an ark, which is often called the Ark of the Covenant of Yahveh, x. 5, 8.

Not one of the four propositions so clearly enunciated and even emphasised in Deuteronomy, can be plainly elicited from the older narrative in Exodus.¹ It can be argued that the second is implied ; it is, at any rate, not definitely stated.

Possibly, however, too much stress must not be laid upon this difference between Deuteronomy and the "prophetic" narrators. For so far as can be gathered from the incomplete condition in which we have it, the Priestly chronicle (P) contained a less definite statement about the Decalogue than Deuteronomy (D). As P wrote later even than the author of Deut. i-iv., we may assume, if we please, that he was able to take for granted much which D (whether D¹ or D²) is anxious to emphasise. Whether the text of the Decalogue was included by P is uncertain. In our present Book of Exodus we have, till

¹ I have not forgotten Exodus xxxiv. 28, but must defer its consideration.

chap. xxv., only fragments of P's Sinaitic narrative, viz., xix. 1-2a; xxiv. 15-18a. When Moses, after seven days' pause, has gone up "into the midst of the cloud," God reveals to him the construction of the Tabernacle, etc. In xxv. 16, he says: "And thou shalt put into the Ark the testimony, עֵדוּת, that I shall give thee." What is this עֵדוּת? As xxxi. 18 and xxxiv. 29 seem to be fragments from P (and the "tables" are here called לַחֹת הָעֵדוּת), it is generally supposed that the עֵדוּת of xxv. 16, 21 is nothing more nor less than the Decalogue graven upon the two tables. (Of renewed tables P does not speak; at any rate xxxiv. 29 joins on to xxxi. 18a.) Although the authorities (Kuenen and Wellhausen no less than Dillmann and Kittel) are nearly all agreed that the עֵדוּת deposited in the Ark (xl. 20) is identical with D's לַחֹת הַבְּרִית or לַחֹת הָאֲבֵנִים upon which the ten words of Exodus xx. 2-17 were graven, it must be confessed that, if it were not for D, we should not be able to make these deductions with any security. When God says, in xxv. 16: "Thou shalt put into the ark the Testimony which I shall give thee," nobody reading the words for the first time could possibly grasp that this Testimony was a collection of ten words already proclaimed to the people at large. Why is the Decalogue called merely עֵדוּת in xxv. 16, 21 and xl. 20, and so much more definitely לַחֹת הָעֵדוּת in xxxi. 18, xxxiv. 29a, and xxxii. 15? It would seem probable that (Kuenen, *Hexateuch*, section 6, n. 13; and section 16, n. 12) we must assign xxxiv. 29-35, not to P², but to "one of the younger Diaskeuastæ"; and that the designation לַחֹת הָעֵדוּת in xxxi. 18 and xxxii. 15, and possibly xxxiv. 29 also, is due not to P² but to R, who in this manner assimilates P's language and story with the language and story of JE. But if this be so, it seems to me still more hazardous to assume that the עֵדוּת of xxv. 16, 21 and xl. 20 is meant to be the Decalogue. There would appear to have been a difference of tradition as to what the Ark really contained. According to D there were inside it two stone tables, upon which the

words of Exodus xx. 2-17 were graven ; according to P it was the receptacle of an עֲדָת, the nature and contents of which he leaves wholly undefined.¹ Something depends upon the date of Deut. iv. and v., ix. and x. ; if these chapters are all exilic, the interval of time between their composition and that of P² need not be so very great. In that case the views of the Deuteronomic chapters relative to the Decalogue may not have become so universally accepted and so generally known as to make my supposition that the עֲדָת of Exodus xxv. and xl. is not identical with the לַחַת הַבְּרִית of great unlikelihood. If, however, Deut. v. and x., and even Deut. iv., are pre-exilic, the identification becomes much more probable, but even then by no means absolutely assured.

This comparison of P with D has taught us little. We have now to retrace our steps, and examine the narratives of J and E.

The Decalogue of Exodus xx. is now undoubtedly a portion of E. Whether it was a portion of E from the beginning of E's existence is unfortunately another question. Into the details of the narratives we need not here enter, and thus, *e.g.*, the difficult partition of chap. xix. between E and J and JE may be passed over. We have to fix our attention upon the following points.

In the portions of the narrative which either in their present or in a shorter form belong to E, must be included :—

- (a.) The Decalogue.
 - (b.) The Book of the Covenant (xx. 23—xxiii.).
 - (c.) The Making of the Covenant (xxiv. 3-8).²
 - (d.) The Giving of the Tables (xxiv. 12; compare xxxi. 18).
- Now, two things are noticeable at first sight :—

¹ I am relieved to find that Nöldeke (*Untersuchungen zur Kritik des A.T.*, on p. 51, n. 1) adopts a similar view.

² Of course this does not imply that either the Book of the Covenant or the Decalogue were written by E, but merely that he incorporated them in his narrative.

(1.) If the Decalogue, as in our present Exodus text, is sharply separated off from the Book of the Covenant, then the Covenant in xxiv. 3-8 is made upon the basis of that Book, and not, as in Deuteronomy, upon the basis of the Decalogue. "All the words which the Lord has said," in verse 36, can only refer to the words and the judgments of Yahveh, which Moses had told the people in 3a. If xx. 18-21 are in their proper place, there was no need to tell them the Decalogue, as they had already heard it for themselves. How Kittel can think 3a and 7 sufficient to contradict this inference is more than I can imagine. Dillmann recognises the limitation of meaning in 3 and 7 clearly enough, but adds, all the same, "*dass der Bund die Verpflichtung auf den Dekalog mit umfasst (vgl. xxxiv. 28b.), sogar in erster Linie umfasst, versteht sich von selbst.*" Kuenen is not far wrong in his sarcastic remark, "Beware of conclusions which speak for themselves" (*Theol. Tijd.* xv. 193).

(2.) xxiv. 12 is confused, and coheres badly with 3-8; it is not directly stated, or even implied, that the "tables of stone" which God will give to Moses are to contain the words now recorded in Exodus xx. 2-17.

Kuenen's explanation of these phenomena must be studied in his long article in the *Theologisch Tijdschrift* for 1881, and in his *Onderzoek*. According to him the Book of the Covenant, together with xxiv. 3-8, were not originally connected with the revelation at Sinai. The Book of the Covenant filled the place now occupied by Deuteronomy. The judgments and statutes were delivered to Moses upon Sinai, but were not communicated to the people by Moses till forty years later in the field of Moab (see especially *Hexateuch*, E. T., page 258, and section 13, n. 32). The difficulty in the acceptance of this theory, which has many arguments in its favour, seems to me to lie in Exodus xxiv. 3-8. These verses show no appearance of having been "worked over," and they clearly imply that the words which Moses tells to the people had been revealed to him by God, not forty

years previously, but immediately before their repetition. Moses writes all the words of the Lord "in a book." Would the narrator have depicted him as waiting to do this till after the lapse of forty years? On the other hand, the twofold fact remains that the Book of the Covenant, together with xxiv. 3-8, fits in badly both with what precedes and what follows it. For xx. 22 is an awkward joint between xx. 21 (or 17, Kuenen, Jülicher) and 23, while the connection between xxiv. 8 and xxiv. 12 is, to put it mildly, very far from obvious. Whatever the true solution of these difficulties may be, it is plain that to E the Decalogue is not, as it is to D, the exclusive basis of the Covenant; for even if xxiv. 3-8 has been moved from another place, there is no trace that the Covenant there alluded to was not a first Covenant, but a second. Now Jülicher's theory is that the Decalogue must not be separated from the Book of the Covenant; when xx. 18-21 have been put after xix. 19 (so also Kuenen), and 22 and 23 removed (22 being regarded as an attempt to assimilate E with D, cp. Deut. iv. 36), then xx. 24 follows well upon xx. 17. Kuenen (*Hexateuch*, section 8, n. 12) rejects this theory, on the ground that in xxiv. 3-8 the Decalogue is not mentioned, and that in the original form of xxiv. 12 (see *Theol. Tijd.* xv., page 194) the stone tables destined for the Decalogue were alone alluded to, while the revelation of further laws and commandments was represented as still to come. As Jülicher's essays close with xxiv. 11, we do not know how he would have dealt with xxiv. 12. If the Decalogue was originally part and parcel of the Book of the Covenant, *then* the absence of its separate mention in xxiv. 3-8, no longer excites surprise. As regards xxiv. 12, the very point to my mind still *sub judice* is whether the לוחות האבן were, according to this writer, destined to receive the Decalogue. "And the Lord said unto Moses, Come up to me into the mount, and I will give thee the tables of stone, and the law and the commandment which I have written for their instruction." Certainly this verse as it

stands is quite unintelligible. Colenso (*Pentateuch* vi., p. 159) has pointed out that, "the law and the commandment" in this larger sense are words peculiar to D. He regards the whole verse as an insertion from D. But this is objectionable on various grounds; among others, because D would never have made God speak of having himself written other laws besides the Decalogue. The Hebrew does not allow our taking "the law and the commandment" as epexegetical of the Tables. If we omit the three words, *והחוררם* and *והמצוה* and *להוררם* as a Deuteronomistic addition, the difficulty is not removed. For it is very strange that the Deuteronomistic or any later redactor should have added words by which it would appear as if God wrote more than the precise contents of the Tables. Nor is it even easy to exclude the words *אשר כתבתי* from the interpolation. For "the tables of stone which I have written" seems a scarcely possible construction. Even Kuenen's hypothesis does not clearly account for all these peculiarities. But whatever the correct explanation may be, if the verse, either in its first half (Kuenen) or as a whole (Dillmann), originally ran, "And I will give thee the tables of stone," it did not state and it scarcely implied that the Divine writing upon these stones (xxx. 18b; xxxii. 15-16) was the Decalogue of Exodus xx. 2-17. May we infer (because of the *אֵת*) that in a passage now omitted, God had said that he would write the Decalogue upon stone tables? But would J E, or even R, have omitted so important a passage? In our present text, at any rate, E implies by no word either here or at xxx. 18b (or at xxxii. 15b, 16, if these verses belong to him) that the writing upon the tables, whose very number he does not mention, was no other than the words now contained in Exodus xx. 2-17.

Putting chapter xxxiv. for the present aside, and contrasting the vagueness of the statements in Exodus xix., xxiv., xxx. 18, xxxii. with the definiteness and emphasis of those in Deut. iv., v., ix. 10, the inference seems to be that

considerable uncertainty prevailed in respect to what was really written upon the tables, as well as to their precise number. We have seen that D is the first to state that the tables were located in the ark (compare Kuenen, *Theol. Tijds.* xv., page 206); was he also the first writer to definitely identify the writing upon the tables with the Decalogue of Exodus xx. 2-17?

The Decalogue in D occupies a far more exalted position than in E. The fact that the covenant in E's story is not based upon the Decalogue, and the uncertainty whether the Decalogue was inscribed upon the tables, go some way towards diminishing the authority and the probable antiquity of these famous "words." Less ancient than the Book of the Covenant itself, they, however, can scarcely be. Jülicher's theory connecting the one with the other has been already referred to. I do not think it has been entirely disproved by Kuenen.¹ If Exodus xx. 18-21 stood originally just after xix. 19, is it not possible that D in v. 19-23 attempted to heighten the immense importance he assigned to the Decalogue by assuming that the people expressed their fear of God's voice, after they had heard the ten words, and not before the revelation had begun?²

In this case D would be responsible for one more addition

¹ Cp. Professor Carpenter's review of Kuenen's *Hexateuch* in the *Christian Reformer*, 1886, p. 179. Professor Carpenter omits the addition "and all the judgments" in xxiv. 3 as a gloss, and the "words" which the people pledge themselves to carry out are, according to him, the Decalogue in xx. 2-17, together with xx. 23-26. Thus xxiv. 3-8 would have nothing to do with xxi.-xxiii. (*i.e.*, with the Book of the Covenant). I do not think that this theory (which really also implies the relegation of xx. 18-21 after xix. 19) can easily be maintained, but at any rate the last four words of xxiv. 8 strongly recall xx. 1. In Jülicher's hypothesis this resemblance is accounted for.

² This would imply that the dislocation of Exodus xx. 18-21 is later than D. It may, perhaps, with Jülicher, be assigned to JE. At any rate, Jülicher seems to me right in maintaining that if xx. 18-21 originally followed xix. 19, the people did not hear the actual words spoken by God.

to the Decalogue story of E. The new elements in his narrative include:—

- (1.) The definite title of "ten words."
- (2.) The ten words as the sole basis of the Covenant.
- (3.) The definite statement that it was the ten words which were graven upon the two tables.
- (4.) The deposition of the tables in the ark.

Possibly also:

- (5.) The audible pronouncement of the ten words to the whole people by the Divine voice from heaven.
(This last point might, however, be due to JE, if JE were earlier than D. But see note 2, p. 283.)

Although the conclusion of this part of our inquiry leads us to infer that D or JE set the Decalogue in a far more striking framework than it had hitherto received, we are not by any means compelled to assume that the ten words, in their original form, are not more ancient than the narrative of E, in which they are now embedded. For one thing the lapidary brevity of the sixth, seventh, and eighth commandments makes it more than probable that the ten words were only incorporated, and not composed by E. They are at least as old as the laws of the Book of the Covenant, which, in our present text, immediately follow them.

Kuenen's assignment of the Decalogue to the eighth or seventh century (*Hexateuch*, E. T., p. 244) has been already quoted. It is connected with his view of the repeated recensions which E has undergone, and that of the Sinaitic portion of the original narrative of E, scarcely more than xxxiii. 7-11, is left to us intact (*Hexateuch*, § 13, n. 25). "The Decalogue and the account of its proclamation, together with the associated story of the worship of the golden calf, were probably not incorporated till at least as late as Hezekiah's reign" (p. 251).

If this theory be true, the framework of the Decalogue is scarcely, if at all, younger than the ten words themselves. Is this probable? Surely not. If the Decalogue is not older than the eighth century, or even than the seventh, how

could it have won its authority so quickly? And if, as Kuenen himself holds, the tables of E were really inscribed with the Decalogue, would the writer have had the audacity to imply such a thing of a code, either of a contemporary or of his own? If E's tables were not intended for the Decalogue, and if the Ten Words were directly attached to the Book of the Covenant, E must surely have found this code already existing, at least in part, else would he have had the temerity to speak of Moses writing "all these words" in a book as the basis of a covenant between God and Israel? I am aware that this line of argument is susceptible of dangerous exaggeration, and has been used to prove the impossible, as, *e.g.*, the Mosaic authorship of Deuteronomy. Still, I venture to think that the Decalogue, like the Book of the Covenant, stands on a different footing from other portions of the Pentateuch. Kittel's remark upon this point (*Geschichte*, I., p. 85), dealing more especially with the Book of the Covenant, but equally applicable to the Decalogue, is worthy of note. The precise date of the Book of the Covenant he will not venture to fix. "Yet the opinion," so he continues, "that similarities between the prophets of the eighth century with the Book of the Covenant and the Decalogue point to a contemporaneousness of origin seems to me exceedingly doubtful. E regards the Book as an ancient document, and as such introduces it to his readers; how inconceivably venturesome such a course would have been if the Book—as Kuenen holds—had only been compiled some few decades before!"

These considerations, however, are merely thrown out by the way. Returning to the critical analysis of the Pentateuchal narratives, we have now to ask whether J as well as E contained an account of the Revelation of Sinai? *A priori*, this would seem probable, and Dillmann, Kittel and Jülicher all agree that J's narrative, like E's, included a Sinaitic episode. Fragments of chapter xix., which cannot be E's, can fairly be assigned to J

(*e.g.*, 20, 21, 22, 23). Kuenen, however, doubts whether "J has contributed anything to the accounts of the Sinaitic legislation and the apostasy of the people" (*Hexateuch*, E. T., p. 142 and § 8, n. 18).

The question is connected with the interpretation that may be given of chap. xxxiv. The authorities differ widely in respect to the partition and meaning of this chapter. It is clearly made up of different elements. Beginning with a summons of God to Moses to hew two tables of stone and to bring them with him "to the top of the mount," that the misfortune of xxxii. 19 may be repaired, it passes on to describe a theophany, which in obviously close relation to the dialogue, xxxiii. 12-23, seems but loosely to cohere with the proposed object of the first verse, and continues with an announcement by God of a covenant which he will make between himself and Israel. There follows a short series of injunctions which are (27) to be written down by Moses as the basis of the covenant. Lastly, in verse 28 there seems to be a return to the original purpose of the chapter's opening, for we are told that "*he* (*i.e.*, presumably God) wrote upon the tables the Words of the Covenant, the ten words." Nor do the difficulties of these twenty-eight verses end here. Or is it a mere accident that xxxiv. 2, 3, and even 5 are so curiously parallel xix. 11, 12, 13, 18 (compare xix. 9, 20) ?

In the *Hexateuch* Kuenen, like Dillmann and Kittel, regards 10-27 as the work of J, and as parallel to E's Book of the Covenant and Exodus xxiv. 3-8. But just as in E the Book of the Covenant and xxiv. 3-8 were not originally connected with the events at Sinai, so also did J's Words of the Covenant form no part of any Sinaitic revelation. Thus he says:—

(1.) The Words of the Covenant in their primitive form, and as they appeared in JE, contain nothing whatever which would compel us to regard them as having been Sinaitic from the first. (E. T., p. 262, § 13 n. 32 (6).

(2.) We may consider it probable, at any rate, that the

Words of the Covenant in their original form are very ancient, and were once part of a narrative of the foundation of Israel's national existence, possibly due to J. (E. T., p. 260, § 13, n. 32 (3); compare p. 158, § 8, n. 18, and p. 168, § 9, n. 4.)

Thus the Words of the Covenant are strictly parallel to the Book of the Covenant in E, and they occupied a similar position in the narrative — presumably J's — in which they were originally set. (*Hexateuch*, p. 168, § 9, n. 4. These words, it is there also stated, constituted a Ritual Decalogue.)

On the other hand, xxxiv. 1, 4, 28b, are assigned to E (*Hexateuch*, E.T., p. 153, § 8, n. 13), and are considered to relate how the Decalogue was re-written by Yahveh upon fresh tables of stone hewn by Moses. 2b (after the word "Sinai") and 6-8 belong to a later recension of E, being connected with xxxiii. 12b, 13, 17-23 (p. 247, § 13, n. 21).

This theory of xxxiv. 1-28 seems to me to add another difficulty to Kuenen's view that, in E as well as J, the Covenant was made, and its laws proclaimed (though not received), not at Sinai, but at a place and time which corresponded with the scene and occasion of Deuteronomy. For Kuenen seems to hold that the Covenant narratives of both E and J were taken up by JE and kept by him in their original places. Their present position is due to the Deuteronomic redactor (*Hexateuch*, E.T., p. 258). But how is it possible that JE should have included at one and the same time and place two separate covenant codes and two separate narratives of the making of one and the same covenant? Is such a repetition conceivable?

Nor does Kuenen's latest theory account for xxxiv. 2, 3, 5. In the *Tijdschrift*, these verses are connected with 10-27, and regarded as part of a separate narrative of the *Sinaitic* covenant; in the *Hexateuch* they are unexplained.

If Kuenen's theory be correct that J did not contain a *Sinaitic* narrative, J would also not have included the ten words of Exodus xx. 2-17, and the antiquity of the Deca-

logue becomes improbable. For had the Decalogue been in existence when J wrote, he would scarcely have omitted it from his book. It may here be added that, in the *Hexateuch* Kuenen has not accounted for Exodus xix. 20-25. That these verses are not E's is obvious, and has been proved in detail by Kuenen himself in the *Tijdschrift*. But if not E's, whose are they if not J's? In the article in the *Tijdschrift* they are regarded (together with xxiv. 1, 2, 9-11) as fragments of *another* account of Yahveh's revelations upon Sinai. (The connection between xix. 20-25 and xxiv. 1, 2, 9-11, is puzzling, for the latter words show traces of E's language rather than J's. But compare Dillmann *ad loc.*) In the *Hexateuch* Kuenen alludes to difficulties in respect to xix. 20-25, and xxiv. 1, 2, 9-11, but, so far as I see, does not deal with them in detail (p. 152, § 8, n. 12).

It is surely dangerous, for the sake of a fragment like xix. 20-25, to assume a third narrator beyond and above J and E. If these verses are J's, his narrative *did* embrace a *Sinaitic* revelation. Did it also include the Decalogue? This brings us to the theory of Wellhausen.

It is unnecessary to state Wellhausen's views, or the arguments by which he substantiates them, in detail, for his essay, first published in 1876, upon the composition of the *Hexateuch*, is in the hands of every student. Its conclusions have, however, been modified in the *Nachträge* to the second edition (1889) of the *Composition des Hexateuchs und der Historischen Bücher des Alten Testaments* (a reprint of the essay in the *Jahrbücher für deutsche Theologie* together with the passages in Bleek's *Einleitung*, fourth ed., relating to Judges, Samuel and Kings).

Wellhausen's original theory was that the Book of Exodus contains portions of three stories relative to the Sinaitic revelation. There is E, there is J, and there is also a third narrator, whose relation in an amended and altered form is discoverable in chapter xxxiv. E's original narrative included xix. 10-19, xx. 1-17, 18-21, xxiv. 12-14, xxxi. 18, and

portions of the story of the golden calf and the breaking of the tables (*i.e.*, at least xxxii. 1-6, 15-20, 35, xxxiii. 1-11, partly). J's narrative included xix. 20-25 xx. 23-26, xxi.-xxiii., xxiv. 3-8. J therefore had no Decalogue, whether moral or ritual; the Book of the Covenant is the sole constituent of the revelation and the covenant which were made at Sinai. Then, lastly, there is the third narrative in xxxiv. For, omit all the words after "stones" (אבנים) in verse 1, and the single word כראשנים (like unto the first) in verse 4, and you have in 1-5, 10-28, a narrative of the first revelation upon Sinai, parallel in many points to the others (*cp.* xxxiv. 2, 3, with xix. 11, 12), but yet independent. These parallelisms, and the difficulty in verse 5 (for, according to E and J, Yahveh has already been for some time upon the mountain), led Kuenen, as we have already seen, in his article in the *Tijdschrift*, to regard 2, 3, 5, 10-27, as fragments of an independent narrative of the Sinaitic covenant. Wellhausen does not separate these verses from 1, 4, and 28. In his view, therefore, Moses not only hews the tables, but *also* writes the covenant words upon them. The subject of ויכרה in 28b is not God, but Moses. Moreover, these words were originally a decalogue, and are called by this author עשרת דברים. In accordance with Goethe,¹ Wellhausen picks out ten commandments from xxxiv. 10-27, which ritual decalogue he considers to be far more ancient than the moral decalogue of E.

In Kuenen's essay in the *Tijdschrift* (1881) Wellhausen's entire theory is criticised, and, as we have indirectly learnt, only partially accepted. In the *Nachträge* Wellhausen criticises Kuenen, but, though only published in 1889, these additions do not refer to the new edition of the *Onderzoek*. Wellhausen now agrees with Kuenen that the Book of the Covenant (together, it must be assumed, with xxiv. 3-8) does not belong to J, but he still strongly main-

¹ In his *Zwo wichtige bisher unerörterte Biblische Fragen*, etc., Werke. Vol. XXXI. p. 269 (in the *Cotta'sche Bibliothek der Weltliteratur* Edition).

tains his old view of xxxiv. 1-5, 10-28, the authorship of which he now assigns to J. The ritual decalogue is therefore J's, who in this, as in other things, shows his priority to E. The list of the ten commandments themselves is not now exactly the same as it was in 1876; it is made up of 14a, 17, 18a, 19a, 22a, 22b, 25a, 25b, 26a, 26b. Wellhausen is urgent against the separation of 4 from 5, and of 27 from 28. "In Kuenen's theory 27 stands in the air, and the command 'write' has no *sequitur*. The change of subject in (28) ויכרֹב is very hard, and, above all, very uncautious; it was especially necessary to supply the correct *nomen proprium* here, and not to allow the reader to fall into the error of assuming that Moses is the subject of ויכרֹב as well as of שֶׁרָה." As regards this point, it has been noticed by Kittel that a change of subject in J is not infrequent (p. 180, n. 3). Thus, in xxiv. 5, the subject of ויקרֹא, according to Wellhausen himself, is not Yahveh, but Moses. Again, omitting the "Jehovistic" insertion 6-9, in the ויאמֹר of 10, the subject is changed back from Moses to Yahveh. Moreover, verse 28, to my mind, shows signs of having been worked over or changed, when it was removed from its original place by the Deuteronomic reviser; we cannot be certain of the original text of it in J or E, to whichever of the two it may belong. For (1) the abstinence from bread and water is especially noted in D (ix. 9, 18). (2) The Decalogue is only for D the basis of the Covenant, and (3) the number of the words is there noted to have been precisely ten (iv. 13, x. 4).

A variety of difficulties suggest themselves as to Wellhausen's theory, even in the later form of it in the *Nachträge*.

- (1.) If xxxiv. 1-5, without the editorial changes, belong to J, what is their relation to xix. 20-25?
- (2.) In the story of J a covenant is made upon the basis of a ritual decalogue; in E the ritual decalogue is changed to a moral one, but a covenant is not made upon its basis. Would this important feature of the narrative have been omitted? If

E wished to emphasise the importance of *his* decalogue, would he not have made it the basis of the Divine covenant, if the tradition of a covenant upon the basis of *some* decalogue was already in existence ?

(3.) God says to Moses (27), "Write thou these words"; he does not say, "Write them upon the tablets."

(4.) xxxiv. 27 is surely parallel to xxiv. 4-8.

Thus the more probable explanation of xxxiv. will still remain that into the narrative, whether E's or J's, of the new tables (1-4, 28), there has been inserted in a curtailed form that portion of J which corresponded with E's Book of the Covenant and xxiv. 3-8; the resemblances of xxxiv. 2, 3, with xix. 11-13, may be either accounted for like Dillmann, or regarded as the work of a later redactor, possibly JE, to whom I would also assign xxxiv. 5.

In that case the view that J did not contain a version of the Decalogue we now possess in an enlarged form in Exodus xx. 2-17 and Deut. v. 6-18 is incapable of proof. If, for other reasons, we think it probable that that decalogue is considerably older than E, then it is even likely that J (assuming his priority to E) did not omit so important a document. The two main narratives of the revelation at Sinai have gone through so many recensions that it will not ever be possible to unravel many of the difficulties which the text of Exodus presents to us. xxiv. 12 is a most serious puzzle. xxxiv. 1-5, 10-28, whether we adopt the theories of Kuenen or of Dillmann, or of that modified form of Wellhausen (as regards 1-5), suggested by Kittel, will never be quite satisfactorily explained. xxiv. 3-8 is neither easily kept where it is, nor easily removed elsewhere. And there are many other minor obscurities. At the same time, the mere critical and literary analysis of the Sinaitic narratives is, upon the whole, not unfavourable to the view that the compilation of the Ten Commandments was considerably anterior to the narrative of which they now form part.

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